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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 UNITED STATES OF AMERICA, New York, N.Y.

4 v.

S4 05 Cr. 1192 (NRB)

5 TONE GRANT,

6 Defendant.

7 -----x

8 April 17, 2008
9 @ a.m.

10 Before:

11 HON. NAOMI REICE BUCHWALD,

12 District Judge

13
14 APPEARANCES

15 MICHAEL J. GARCIA

15 United States Attorney for the
16 Southern District of New York

16 BY: NEIL BAROFSKY

17 CHRISTOPHER GARCIA

17 Assistant United States Attorneys

18 ZUCKERMAN SPAEDER, LLP

19 Attorneys for Defendant

19 BY: ROGER ZUCKERMAN

20 AITAN GOELMAN

20 NORMAN EISEN

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1 (In open court: jury not present; time noted:
2 11:53 a.m.)

3 THE COURT: Why don't we begin by reporting for the
4 record the earlier notes that we received yesterday.

5 The first note arrived in chambers about 3:25 and
6 read: "Maria Louisa Pedroza, Juror No. 8 voted as foreperson."

7 Second note which arrived in chambers about 4:00: "Is
8 it possible to obtain a board with/an easel (and marker)?"

9 The third note arrived upstairs about 4:25 and said:
10 "Can we please use the props with the timeline of events?
11 Thank you, signed forelady." And we sent back a note that said
12 that we couldn't provide those since they were not in evidence.

13 About 11:35 this morning we received a note which I
14 will read into the record and which I provided copies to
15 counsel: "Is there anything in evidence other than..." I think
16 they mean the "...notes that were taken by Grant at the
17 Marriott Hotel meeting between Grant and Bennett on May 17,
18 2004?"

19 I assume that there is sort of a word missing, which I
20 would guess a way to rewrite it: Is there anything else in
21 evidence? But I'm not saying we have to guess, but that's --

22 MR. BAROFSKY: Another possible interpretation is that
23 the A with the little circle means about instead of at. It may
24 mean at or it may mean about.

25 MR. ZUCKERMAN: It doesn't make much sense if it's

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1 about. Then it would be the notes that were taken by Grant
2 about.

3 MR. BAROFSKY: About the meeting.

4 THE COURT: I think actually if we're going to do a
5 little document analysis -- I'm sorry I didn't give you copies
6 of the earlier memos because they were so -- notes, because
7 they were so ministerial. But I will show you so that you can
8 all see it, where the parenthesis and I wrote -- and I
9 translate "and marker," it's a similar three-dot thing, so if
10 you want to look at that.

11 MR. BAROFSKY: Judge, clearly we need some
12 clarification, I think we agree, on what they're asking for.

13 MR. ZUCKERMAN: I don't object to clarification. I
14 mean if your Honor wants to write a request for a little
15 additional.

16 MR. BAROFSKY: Obviously it could apply to large
17 amounts of testimony about the meeting, depending on what
18 they're asking for.

19 THE COURT: We don't need to battle it out. We can
20 just ask them.

21 Should we write: We are uncertain about the meaning
22 of your last note. Could you please clarify your request?

23 Is that okay?

24 MR. ZUCKERMAN: Fine.

25 MR. GOELMAN: Your Honor, when does the Court plan on
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1 feeding them lunch?

2 THE COURT: I think we ordered it for 1:00.

3 MR. BAROFSKY: Your Honor, can we take lunch at the
4 same time?

5 THE COURT: If you're assuming that they are going to
6 eat and not work -- there must be a space in time in there that
7 you can be excused, but just make sure we have a way to get
8 you.

9 See you in a few minutes.

10 (Recess pending verdict)

11 (Jury not present; time noted: 12:27).

12 THE COURT: Let me just read the responsive note into
13 the record. It's Court Exhibit 6: "One of the jurors wants to
14 know if there is any other evidence entered about the substance
15 of the conversation for the meeting..." again repeated "...for
16 the meeting, at the Marriott with Tone and Phillip other than
17 Tone Grant's handwritten notes."

18 Counsel agree on a response or is there a discussion
19 about it?

20 MR. BAROFSKY: Your Honor, I think that one of the
21 discussions that we've just had with Mr. Zuckerman is -- I
22 don't want to speak for Mr. Zuckerman.

23 MR. ZUCKERMAN: Go ahead.

24 THE COURT: He'll correct you if you aren't playing
25 the role properly.

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1 MR. BAROFSKY: Its continued ambiguity on "evidence
2 entered." Our take from this was to think that it was
3 testimonial as well as physical evidence. Mr. Zuckerman
4 believes that "entered" means just physical exhibits or
5 documents that have been entered.

6 MR. ZUCKERMAN: That is correct. And to amplify only
7 briefly, I think there are some legal issues and a morass that
8 we will enter, as the Court may hear if we continue to argue,
9 about what exactly it means for the Court to search the record
10 for evidence that may relate to the substance of the meeting in
11 the form of testimony. And you will hear, I think, a variety
12 of arguments from the government and from us about what may or
13 may not relate to the substance of the meeting in terms of the
14 inferences that are permissible for a juror to draw.

15 And we, as well, have some concerns about whether
16 that's a permissible undertaking for the Court; that is,
17 whether the Court can define for the jury what it believes to
18 be the evidence that the testimony -- the testimony that
19 relates to the substance of the meeting.

20 So, before entering that thicket, my thought was to
21 simply write another note and ask whether the evidence entered
22 that they are seeking relates to physical exhibits only or
23 whether it relates to physical exhibits and testimony.

24 If it relates to --

25 THE COURT: Why would you think they would truly be
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1 asking at this stage for physical exhibits? In other words,
2 the government established that Mr. Bennett's secretary rented
3 this room. But now that there is no real dispute, I don't
4 think, that the meeting occurred, it would seem a little odd to
5 me that that was really what they were focused on. I would
6 have thought that -- I wouldn't have parsed the word "entered."
7 To me, it's: Is there any other evidence about the substance
8 of the meeting which is in the record?

9 MR. ZUCKERMAN: If that is --

10 THE COURT: That's the way I would view it.

11 MR. ZUCKERMAN: Fair enough. I don't think that's
12 obvious. But if that's the Court's view, then I think we're at
13 an important and awkward spot because there is a variety of
14 testimony -- there's scads of testimony that jurors could look
15 at to allow them to draw inferences about the meeting that
16 occurred and what occurred in the meeting.

17 THE COURT: The substance of the conversation is what
18 they have asked for.

19 MR. ZUCKERMAN: But, for example, testimony or
20 evidence regarding the nature of the notes, their preservation
21 and the like, is, in our judgment, relevant to the substance of
22 the conversation that occurred and was argued as such.

23 THE COURT: That's argument.

24 MR. BAROFSKY: I don't think there is any testimony
25 regarding preservation.

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1 MR. ZUCKERMAN: There's the subpoena.

2 MR. BAROFSKY: They have -- they have the physical
3 documents back there. That's why I think we were thinking that
4 this had to be testimonial is because they have every exhibit.

5 THE COURT: Isn't really what -- finish. It just
6 seems to me there's one -- I think there's one obvious bit of
7 testimony, and I assume that's what you're ultimately arguing
8 about.

9 MR. BAROFSKY: We believe that --

10 MR. ZUCKERMAN: I'll let the government make its point
11 and then we'll respond. Why don't you go ahead.

12 MR. BAROFSKY: Your Honor, we would point to our
13 interpretation is, would be the testimony of Earl Melamed, the
14 testimony of Sandy Maggio and the testimony of Robert Trosten.

15 THE COURT: What did Melamed testify about what
16 happened at that meeting? Was he there?

17 MR. BAROFSKY: No, Judge, neither were any of these
18 three individuals.

19 THE COURT: But the issue is what did -- I don't
20 have -- to me I assumed you were talking about the Santo Maggio
21 testimony as to whatever he said before he was going to be
22 talking about, and whatever he said afterwards that Bennett
23 told him.

24 MR. BAROFSKY: Your Honor, I think clearly that as
25 well as Robert Trosten who has a similar conversation.

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1 THE COURT: I can't say that I recall that but that's
2 okay.

3 MR. BAROFSKY: Our recollection is that Mr. Trosten
4 has a similar conversation when he's asked to prepare a
5 schedule of the related party receivable.

6 THE COURT: That's right.

7 MR. BAROFSKY: I'm not looking to tilt at windmills on
8 the Melamed piece. I'll tell you why I suggested it, was
9 because the numbers that are reflected in the Grant notes match
10 up with the substance of the testimony of Earl Melamed, but
11 seeing your Honor's reaction --

12 THE COURT: I think that was a terrific argument but I
13 don't think that that's -- I do not read the note that way. I
14 think they are talking a much more direct --

15 MR. GOELMAN: This, I think, is one of the dangers of
16 kind of wading into this morass and deciding what testimony.

17 THE COURT: We do this all the time, right,
18 Mr. Goelman. This is not like the first time the jury has
19 asked for: Is there any testimony in the record about X?

20 MR. GOELMAN: This is the first time that I've ever
21 seen it.

22 THE COURT: I have seen many, many times where jurors
23 say: Can we please have the testimony of John Smith about Y or
24 about X and then you go and you try and identify what John
25 Smith said in direct and cross and you send that back.

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1 MR. GOELMAN: I have never before seen please identify
2 for us all the evidence, and if you interpret as testimony,
3 about a particular subject matter. I think that takes it to an
4 entirely different level and it's dangerous for the parties and
5 for the Court to substitute for the jury's recollection about
6 what is and what is not related to a particular subject matter.

7 THE COURT: I remember my husband used -- I don't
8 remember him, he's still here -- telling me the story once
9 about when he was a prosecutor and the juror asked: What is
10 all the testimony related to Count 9 of the indictment, and the
11 note ultimately was there is no testimony about Count 9. So
12 this is not the first time that jurors have asked this type of
13 question; maybe in your experience, but not in my experience.
14 And I understand that lawyers fight about this; that one side
15 wants a narrower interpretation, the other side wants a broader
16 interpretation. And you each have your own -- oh, another
17 note -- and that there is a litigated reason for the argument.

18 "We need new jury verdict forms. Also, does the
19 foreperson sign or both? Or can someone come in and explain
20 the form to us?"

21 That's a first. Okay, Mr. Goelman, we have a first
22 here. I don't have any problem getting new forms -- clean
23 forms. We can obviously print those out.

24 We could direct them to the part of the charge which
25 has the instruction.

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1 MR. GOELMAN: On the verdict form?

2 THE COURT: Yes.

3 MR. GOELMAN: Your Honor, I don't know what --
4 obviously this changes things.

5 THE COURT: I really don't know what the problem is.

6 MR. GOELMAN: The first note that the jury sent out:
7 Is there anything in evidence other than the notes, I doubt
8 that the jury doesn't remember that there was testimony from
9 cooperators about this meeting. So when you're saying is there
10 anything in evidence other than the notes, to me that is
11 looking for a tangible paper about the meeting. And I don't
12 see the harm in just sending back: Are you asking for -- a
13 note saying: Do you want testimony or do you want exhibits?

14 THE COURT: I don't need to battle that. We can send
15 them another note about that.

16 But the question is maybe we should call them into the
17 courtroom and let me tell them.

18 MR. BAROFSKY: About the verdict form?

19 THE COURT: About the verdict form.

20 MR. ZUCKERMAN: Fine.

21 THE COURT: Josh, before we do, just go up and make
22 some new ones.

23 MR. BAROFSKY: Judge, can we see the most recent note
24 by any chance?

25 THE COURT: Absolutely.

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1 Is it all right if we call the jury in?

2 I will ask them before we talk about the verdict form,
3 on the earlier note whether they are looking for an exhibit or
4 they're looking for testimony as to the substance of the
5 conversation.

6 MR. BAROFSKY: Judge, what -- an alternate suggestion
7 is that if, just to send a note back to them saying if you --
8 go ahead.

9 MR. GARCIA: One way to read that note potentially,
10 and I don't have it in front of me now, but it may be just a
11 simple question of: Does the foreperson have to sign or
12 everybody else have to sign?

13 THE COURT: Yeah.

14 MR. GARCIA: One suggestion.

15 THE COURT: I give them like 14 copies of the verdict
16 form. So my thought is that because I give them that many
17 copies that they think that they all have to sign it. I do it
18 so that there's a piece of paper that they can all take notes
19 on essentially. I think that's about all that this is about,
20 that question. But I can clarify it. I'm going to just let
21 you know what I'm going to tell them is as to the verdict form
22 the only person that signs the verdict form is the foreperson.
23 Each count you have to deal with separately. You have to have
24 a unanimous decision on each count. If you have not -- if you
25 have not reached a unanimous decision on each count, keep

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1 talking.

2 MR. BAROFSKY: Your Honor, I think Mr. Garcia's
3 suggestion might be a good one and just to send a note back to
4 them with the first part; which is just that the way to -- the
5 foreperson only needs to sign the verdict form and sort of
6 without --

7 THE COURT: But we have the other issue of the
8 testimony versus the exhibits.

9 MR. ZUCKERMAN: I think it's appropriate for you to
10 clarify in their presence.

11 THE COURT: Because they asked to have someone visit
12 them. So I'm not going to go in there because that would be
13 not right.

14 MR. EISEN: I had a case like that once.

15 MR. BAROFSKY: Our concern --

16 THE COURT: What's the concern?

17 MR. BAROFSKY: It's not really a concern, it's just
18 that if they are close to a verdict, which they would suggest,
19 it may obviate a need to respond to the note. That's all that
20 we --

21 THE COURT: I'm not going to -- believe me, I'm going
22 to tell them -- the first thing I'll say: Don't tell me
23 anything about where you are in your deliberations. Let me
24 just ask you a question, let me tell you certain things. Okay.

25 MR. BAROFSKY: Thank you, your Honor.

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1 (In open court; jury present; time noted: 12:49)

2 THE COURT: Sit down, everyone. I asked you to come
3 in, in the hopes that I can clarify by speaking to you some of
4 the notes that you've been sending.

5 First, one thing. Absolutely do not say a word to me
6 now about where you are in terms of your deliberations, not a
7 word. Okay. I don't want to know any votes. I don't want to
8 know anything.

9 Let me ask you first a question. You asked in the
10 last note: "One of the jurors wants to know if there is any
11 other evidence entered about the substance of the conversation
12 for the meeting at the Marriott with Tone and Phillip other
13 than Tone Grant's handwritten notes."

14 My question to you is: Are you looking for other
15 testimony or are you looking for other exhibits? Or possibly
16 both?

17 THE FOREPERSON: I think both.

18 THE COURT: Both. Okay.

19 Then you had a question about the verdict forms and
20 you wanted to know if the foreperson signs -- it says "or
21 both." I'm not sure what the "or both" is. But let me just
22 explain to you that I give you lots of copies of the verdict
23 form just for you to keep track of your deliberations and your
24 vote. The only person that signs the verdict form is the
25 foreperson.

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1 I want to remind you that you have to deal with each
2 count separately and that you can't return a verdict of guilty
3 or not guilty unless you are unanimous. Unanimous means
4 everybody agrees. And if you are not unanimous about anything
5 at this point, I tell you to just keep talking.

6 Does -- just ask does that clarify the questions about
7 the verdict form?

8 THE FOREPERSON: Yes.

9 THE COURT: Anybody still have a question about the
10 verdict form?

11 Okay. So let me give you -- we made up another bunch
12 of forms. Let me give them to you, and we'll -- and Josh for
13 some reason, some odd thing is happening on his printer that
14 there are little stars on these forms, some place, we don't
15 know why. We put a new cartridge in and it's doing something
16 weird. Ignore that. Stars are irrelevant. Just follow the
17 typewritten material.

18 So let me send you back and we'll focus on what other
19 testimonial or documentary evidence there is.

20 It's the focus, and just confirm for me, is on the
21 substance of the meeting; in other words, what was said? Is
22 that what you mean by substance? Okay. Very good. Thank you.

23 (Jury deliberations resumed; time noted: 12:54 p.m.)

24 (Continued on next page)

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1 (In open court)

2 MR. BAROFSKY: So, your Honor, we're going to look to
3 identify the relevant portions of Maggio and Trosten's
4 testimony about their conversations with Phil Bennett about the
5 substance of the meeting both before and afterwards, what he
6 planned to say and then whatever.

7 THE COURT: To me that seems to be what they're asking
8 for. Okay. So obviously you'll try to agree and then you will
9 Xerox with just the portions on the pages, black out the other
10 stuff.

11 MR. BAROFSKY: We'll redact out any objections.

12 THE COURT: Any objections, just exactly what the
13 question and answer is.

14 MR. GARCIA: Will do. Thank you, your Honor.

15 THE COURT: I'll be upstairs.

16 (Recess pending verdict)

17 (In open court; jury not present; time noted:
18 2:23 p.m.)

19 THE COURT: First, we received another note. If I'm
20 correct, we're up to Court Exhibit 8. And the jury has dated
21 it at 1:44. And it says: "Judge Buchwald, the last piece of
22 information we need is what was requested earlier. Once we
23 obtain this information we can continue our deliberations."

24 I guess the record should reflect that the jury has
25 very recently been given the agreed-upon segments of

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1 Mr. Maggio's testimony and the -- and been told that there's
2 more to come and that now the issue concerns Mr. Trosten's
3 testimony, and there is a dispute about page 1210, lines 8
4 through 17.

5 MR. ZUCKERMAN: Your Honor, that was the finish of my
6 cross-examination designed to attack the credibility of
7 Mr. Trosten specifically as it related to his description of
8 these key events.

9 So, while the -- his description of the events is
10 elucidating, the fact that the events occurred approximately --
11 that he is describing in his material was used approximately
12 three days before May 20, 2004 when he stole money, the jury
13 could infer from this defendant, certainly is a circumstance
14 that allows the jury to conclude that he is not giving an
15 accurate description of the events on May 17.

16 MR. GARCIA: Respectfully, your Honor, this piece on
17 NavTech has nothing to do with the conversation that happened
18 on May 17 or May, 2004. NavTech wasn't discussed. This is not
19 impeachment of Mr. Trosten's recollection of the conversation
20 that happened. It's impeachment generally of: Mr. Trosten is
21 not a great guy.

22 THE COURT: There's a lot of things that might go to
23 that. I agree on the government with that. That was a
24 decision I reached just when I read it before hearing any
25 argument. So do you have a copy of this ready to go without

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1 the six lines?
2 MR. GARCIA: Yes, we do, your Honor.
3 MR. ZUCKERMAN: Could I raise an unrelated point
4 that's no reflection on the Court's equipment but there is a --
5 one of the stars that appears on the jury verdict form that's
6 to go in is in the guilty box.
7 THE COURT: Not on my copy.
8 MR. ZUCKERMAN: It's like a bad omen.
9 THE COURT: We didn't mean it. You remember I did
10 tell them that it was Josh's new cartridge.
11 MR. ZUCKERMAN: If we could erase it, I'll hand mine
12 up.
13 THE COURT: I'll take your word for it. I'm just
14 telling you if you look at mine, the -- it really --
15 MR. ZUCKERMAN: Good. On this one the star is in not
16 guilty.
17 THE COURT: They are kind of random, and I think I did
18 explain that to them and I was glad after the -- Bernie told me
19 that someone was concerned about it down here that I had
20 explained it. I otherwise wouldn't have thought.
21 MR. ZUCKERMAN: Are they printed or Xeroxed, I guess?
22 THE DEPUTY CLERK: They are Xeroxed.
23 MR. ZUCKERMAN: So you Xeroxed them off of that?
24 THE DEPUTY CLERK: Not the copy you have.
25 THE COURT: I took one of the group that Josh made for
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1 the jury because I actually didn't have the verdict form.

2 MR. ZUCKERMAN: All right.

3 THE COURT: Josh, do you want to give this to
4 Mr. Zuckerman.

5 (Recess pending verdict)

6 (In open court; jury not present)

7 THE COURT: The last note which is timed at 2:40,
8 although the jurors apparently don't know what day it is
9 because they said it was April 19. The note reads: "We have
10 reached our verdict."

11 So at this time call the jury back in.

12 (Jury renders verdict; time noted: 2:52 p.m.)

13 THE COURT: Please be seated. We have received your
14 note that you've reached a verdict. And we will now proceed to
15 take that verdict. Josh.

16 THE DEPUTY CLERK: Will the jurors please answer
17 present when your name is called.

18 (Jury roll called; all present)

19 Will the foreperson please rise.

20 Has the jury agreed upon a verdict?

21 THE FOREPERSON: Yes.

22 THE DEPUTY CLERK: With respect to Count 1, conspiracy
23 to commit securities fraud, wire fraud, bank fraud and/or money
24 laundering, how do you find the defendant with respect to Count
25 1?

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1 THE FOREPERSON: Guilty.
2 THE DEPUTY CLERK: Count 2, securities fraud. How do
3 you find the defendant with respect to Count 2?
4 THE FOREPERSON: Guilty.
5 THE DEPUTY CLERK: Count 3, wire fraud. How do you
6 find the defendant with respect to Count 3?
7 THE FOREPERSON: Guilty.
8 THE DEPUTY CLERK: Count 4, bank fraud. How do you
9 find the defendant with respect to Count 4?
10 THE FOREPERSON: Guilty.
11 THE DEPUTY CLERK: Count 5, money laundering. How do
12 you find the defendant with respect to count five?
13 THE FOREPERSON: Guilty.
14 THE DEPUTY CLERK: Ladies and gentlemen of the jury,
15 listen to your verdict as it stands recorded.
16 With respect to Count 1, the defendant is found
17 guilty.
18 With respect to Count 2, the defendant is found
19 guilty.
20 With respect to Count 3, the defendant is found
21 guilty.
22 With respect to Count 4, the defendant is found
23 guilty.
24 With respect to Count 5, the defendant is found
25 guilty.

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1 THE COURT: Ladies and Gentlemen, is that your
2 verdict?

3 THE JURY: Yes.

4 THE COURT: Is there any further request to poll the
5 jury?

6 MR. ZUCKERMAN: Yes, your Honor, please poll jury.
7 (Jury polled; each juror answered in the affirmative)

8 THE DEPUTY CLERK: Jury polled. Verdict unanimous.

9 THE COURT: Counsel, other than my thanking the jury
10 for their service, do we need to keep them any further?

11 MR. ZUCKERMAN: No, your Honor.

12 MR. BAROFSKY: No, your Honor.

13 THE COURT: Ladies and Gentlemen, when I was talking
14 to you yesterday and excusing the alternate jurors, I told you
15 then that I thank you for your service. I never thank a jury
16 for its particular verdict. That is always your decision. And
17 I think -- I explained fairly clearly yesterday why it is that
18 we thank you and it's for your service and taking the time out
19 of your lives and in your case for being such a really terrific
20 jury. We never had to wait for you in the morning, and I know
21 some of you came from quite a distance. And you were
22 attentive. And you worked hard. And we very much appreciate
23 your service. And I thank you again. And you're excused.
24 Okay. Thank you very much.

25 (Jury discharged)

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1 THE COURT: Are there any applications that I should
2 be hearing?

3 MR. BAROFSKY: No, your Honor.

4 THE COURT: Okay. Would someone remind me, because I
5 don't even think I know, what are Mr. Grant's bail conditions?

6 MR. GOELMAN: He has a bond. I forget the precise
7 amount of the bond. I actually don't have my bail file with
8 me. He has a bond that was entered when he was arraigned last
9 January.

10 MR. BAROFSKY: Your Honor, we don't have any objection
11 to bail being continued.

12 THE COURT: I'm not suggesting that you should. I
13 just was curious as to what the bail condition.

14 MR. BAROFSKY: Unfortunately, I don't have the file --
15 I think it was a ten million dollar bond. Your Honor, there
16 were some cosigners and it was a ten million dollar bond, and I
17 think travel was restricted to the 48 states. And as I said, I
18 don't think we -- we don't have any objection to being
19 continued as such.

20 THE COURT: Other than setting a sentencing date, is
21 there anything else we need to do?

22 MR. ZUCKERMAN: No, your Honor.

23 THE COURT: What about July 23?

24 MR. BAROFSKY: Your Honor, I'm going to be away. If
25 we do it the following week, I'll be around.

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1 THE COURT: I'm hoping not to be here the following
2 week.

3 Is August 13 consistent with everyone's prior
4 schedule?

5 MR. ZUCKERMAN: I don't have a calendar. I'm sorry.
6 I think it is. Mr. Eisen says he is not going to be here.

7 MR. BAROFSKY: Nor is Mr. Garcia.

8 THE COURT: Before I do the more elaborate version of
9 the schedule, August 7, does that work?

10 MR. BAROFSKY: Fine for the government.

11 MR. ZUCKERMAN: I think so, your Honor.

12 THE COURT: I assume you're coming up from Washington
13 that morning. Is something like 11:30 a good time?

14 MR. ZUCKERMAN: I'm sure we'll come up the night
15 before.

16 THE COURT: I don't think I have anything on that day
17 at this point. So I'm just trying to get.

18 MR. ZUCKERMAN: My sense is that, to allow for the
19 fullness of the proceeding, either the early afternoon or the
20 midmorning so that we have a fair amount of time.

21 THE COURT: You've already learned that I work through
22 lunch. Put it down for August 7 at 10:45.

23 MR. ZUCKERMAN: Fine.

24 MR. BAROFSKY: Fine, your Honor.

25 THE COURT: I would like the defense submissions no
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1 later than July 18 in hand in chambers, and the government's
2 submission by July 31 in hand in chambers. Okay. I think
3 that's it. Okay.

4 MR. BAROFSKY: Thank you, your Honor.

5 MR. GARCIA: Thank you, your Honor.

6 MR. ZUCKERMAN: Thank you, your Honor.

7 (Adjourned)

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